

PAMELA E. COGAN (SBN 105089)
KATHRYN C. CURRY (SBN 157099)
CRYSTAL N. THOMAS (SBN 181885)
ROPERS, MAJESKI, KOHN & BENTLEY
1001 Marshall Street
Redwood City, CA 94063
Telephone: (650) 364-8200
Facsimile: (650) 780-1701
Email: pcogan@ropers.com

Attorneys for Real Party In Interest
LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL CREMIN,

Plaintiff,

v.

McKESSON CORPORATION
EMPLOYEES' LONG TERM
DISABILITY BENEFIT PLAN

Defendants.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON

Real Party In Interest,

CASE NO. C 07-1302-JL

**DECLARATION OF KATHRYN C.
CURRY IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED [CIVIL L.R. 3-12, 7-11]**

I, KATHRYN C. CURRY, declare that I am an attorney at law licensed to practice before all courts of the State of California and the United States District Court, Northern District of California. I am a partner with the law firm of Ropers, Majeski, Kohn & Bentley, counsel of record for real party in interest Liberty Life Assurance Company of Boston ("Liberty Life") herein. The matters stated in this Declaration are of my own personal knowledge and if called to testify, I would and could testify competently thereto.

1 1. Attached hereto as Exhibit "A" is a true and correct copy of the Complaint filed in
 2 Cremin v. McKesson Corporation Employees Long-Term Disability Benefit Plan, No. C 04-
 3 4394-CW.

4 2. Attached hereto as Exhibit "B" is a true and correct copy of the Court-approved
 5 Stipulation and Order Re Substitution of Liberty Life Assurance Company Of Boston For
 6 Defendant McKesson Corporation Employees' Long Term Disability Plan and dismissing the
 7 McKesson Plan from the action. The Stipulation and Order was filed on January 5, 2005.

8 3. Attached hereto as Exhibit "C" is a true and correct copy of Cremin's Request for
 9 Review of Liberty Life's Discontinuation of Long Term Disability Benefits filed on October 21,
 10 2005.

11 4. Attached hereto as Exhibit "D" is a true and correct copy of Liberty Life's Opposition
 12 and Cross-Motion for Judgment filed on November 17, 2005.

13 5. Attached hereto as Exhibit "E" is a true and correct copy of this Court's Order Denying
 14 Plaintiff's Motion For Judgment, Denying Defendant's Cross-Motion, and Remanding Case to
 15 Plan Administrator. The Order is dated December 21, 2005.

16 6. Following remand, Liberty Life completed its further investigation on October 10,
 17 2006, and upheld the decision to deny benefits effective September 1, 2002.

18 7. Attached hereto as Exhibit "F" is a true and correct copy of the Complaint filed March
 19 6, 2007 seeking review of Liberty Life's decision to uphold its prior decision to discontinue
 20 Cremin's disability benefits in Case No. C 07-1302-JL.

21 8. Cremin's Civil Cover Sheet in case No. C 07-1302-JL lists "Cremin v. McKesson, et al
 22 Case No. C04-4394CW" as a related case. Attached hereto as Exhibit "G" is a true and correct
 23 copy of the Civil Cover Sheet in case No. C 07-1302-JL.

24 I declare under penalty of perjury under the laws of the United States and the State of
 25 California that the foregoing is true and correct and that this declaration is executed in Redwood
 26 City, California on July 6, 2007.

27 /s/ Kathryn C. Curry
 28 KATHRYN C. CURRY